

## **COMPLAINT POLICY**

### **I – PRINCIPLES**

- to ensure that complaints are dealt with fairly and expeditiously, whether the complaint is in writing or made orally, and whether made by clients or others
- to ensure that complainants are advised of their right to make a complaint, and the procedures involved

### **II- DEFINITION**

1. Any serious concerns received where the party defines the matter as a complaint will be treated as a complaint under this Policy.
2. Complaints can include:
  - the clinic not accepting a person as a client
  - the quality of legal service or social work service
  - clinic not handling certain legal or social work issues
  - a breach of confidentiality
  - not returning phone calls
  - not keeping the client apprised of their case
  - not following client instructions
  - missing an important deadline
  - not dealing with a matter in a timely fashion
  - not listening to a client
  - giving incorrect legal or social work advice
  - being rude or discourteous
  - how you were treated by a member of staff, a student, a volunteer or board member

### **III- POLICY**

1. Clients, former clients, a person who has been refused clinic services can complain.
2. Complaints can be made orally or in writing. Complaints can be made to: a staff person; Clinic Director; Board member; President of the Board.

### Client Complaints

3. In the case of clients and former clients, the only requirements are that the aggrieved individual must give their name, the particulars of their complaint, and sign a Consent in the form of Appendix "C".
4. The particulars of a client complaint shall be documented by the person receiving it, on a Client Complaint Form as set out in Appendix "B".

### Complaints From Others

5. Complaints from others, including persons who have an adverse interest to our clients, must be received in writing.
6. Confidentiality of any client affected by the complaint shall be maintained, unless the client expressly consents.

## **IV – PROCEDURE**

### **IV-A – COMPLAINTS REGARDING A STAFF PERSON OR STUDENT**

#### Referring Complaints Regarding a Staff Person or Student

1. Any complaint regarding a staff person or student shall be referred to the appropriate supervisor.

#### Role of Supervisor

2. The supervisor will provide the complainant with:
  - a) a letter outlining their rights (Appendix "D"),
  - b) a copy of the Complaints Procedure (Appendix "A"); and,
  - c) a Complaint Consent Form (Appendix "C").
3. The supervisor will discuss the complaint with the complainant and with the appropriate staff member or student, in an attempt to resolve the complaint.
4. The supervisor will report the matter, whether resolved or not, in writing to the Clinic Director (for staff) and the Academic Director and Clinic Director (for students).

#### Role of Academic/Clinic Director

5. Upon receiving a report of a complaint that has not been resolved, the Academic/Clinic Director will discuss the matter with all parties involved and make a further attempt to

resolve the complaint. The Academic/Clinic Director may:

- a) independently investigate the complaint and evaluate the issues raised by the complainant;
  - b) receive a written report about the complaint from the clinic's perspective including necessary background;
  - c) request a written explanation from the staff person involved with the complaint.
6. The Academic/Clinic Director will acknowledge any unresolved complaint in writing to the complainant.
7. The Academic/Clinic Director in their discretion may forward the matter to the full Board (depending on the nature of the complaint).

#### Role of Complaints Committee

8. Upon receiving a report of a complaint that has not been resolved, the Board shall appoint an ad hoc Complaints Committee to:
- a) ensure written client consent before confidential information is disclosed to the committee;
  - b) determine in their full and unfettered discretion the process, including what manner if any of representation of the complainant is appropriate, number of witnesses, extent of evidence, accessibility issues, etc.
  - c) review any written report about the complaint from the clinic's perspective including necessary background, or request such a report;
  - d) review any written explanation from the staff person involved with the complaint and/or a memo from the Academic/Clinic Director, or request such explanation;
  - e) permit the complainant to attend the meeting and present their complaint, but they are then excluded from the deliberation of the complaint;
  - f) ensure the Academic/Clinic Director is present to provide information and answer questions, but ensure they are excluded during the deliberation of the complaint;
  - g) independently assess the complaint and whether there is validity to the concerns raised;
  - h) assess the clinic's role in handling the situation;
  - i) to ask, if further information or explanation is required from the clinic, that the information be provided in a written memo;
  - j) assess whether the matters complained of are contrary to the spirit of the clinic's Mission Statement; and
  - k) make a written report to the Board outlining its findings, the reasons for its findings, and recommendations.
9. The Complaints Committee shall ensure they understand any legal issues involved, and where required, have a lawyer involved to assess the legal issues.

10. The Board may decline to strike a Complaints Committee, and shall inform the complainant of this decision, the reasons therefor, and of the recourse available through the complaints procedure of the Complaints Office of Legal Aid Ontario where:
  - a) the complainant alleges an error or omission giving rise to a potential E&O claim;
  - b) the complaint is frivolous or vexatious;
  - c) the complaint is patently unreasonable; or
  - d) the safety of any staff or board member is in jeopardy

#### Role of Board of Directors

11. The Board shall make a decision with respect to the complaint. Determinations that could be reached include:
  - a) the complaint was frivolous & vexatious;
  - b) there was no breach of clinic policies;
  - c) the complained of matter was contrary to the spirit of the Mission Statement;
  - d) that disciplinary action should be considered by Management Team; or
  - e) that measures should be taken to prevent similar situations from happening in the future.
12. The Board shall communicate the decision directly to the complainant in writing ensuring:
  - a) the specific issues raised in the complaint are addressed;
  - b) state the decision;
  - c) provide reasons for the decision; and
  - d) advise the complainant that they may request that the complaint be forwarded to the Complaints Office of LAO.
13. The Board shall advise any staff member or student who is the subject matter of a complaint, of the final determination and reasons.
14. The Board will receive the report, make any further inquiries necessary, and report to the Complaints Office of Legal Aid Ontario.

#### **IV-B POLICY COMPLAINTS**

1. If any student or staff person receives a complaint concerning clinic policy, they shall inform the Clinic Director.
2. The Clinic Director shall acknowledge the complaint in writing and shall investigate the complaint and prepare a report to the Board setting out the circumstances and any explanation of the said complaint.
3. The Board shall issue a report to the complainant.

### **IV-C COMPLAINTS REGARDING ACADEMIC/EXECUTIVE DIRECTOR**

1. A complaint concerning any member of the Academic/Executive Director shall be referred to the Chair of the Board. Other provisions of this procedure apply with necessary modifications.

### **V-MISCELLANEOUS**

#### Complaints Report to Board

1. The Clinic Director shall report to the Board on a periodic basis a pattern of complaints or general nature of complaints received, even if resolved at the staff level, without revealing the client's identity or other confidential information.

#### Time Frames

2. Staff and Board Members will make every effort to meet the following time frames:
  - a) advise the client the complaint has been received and process involved: 3 working days
  - b) to resolve the matter once Supervisor has received all necessary information to deal with the complaint: 10 working days
  - c) to resolve the matter once Academic/Clinic Director has received all necessary information to deal with the complaint: one month
  - d) to have the Board [including Complaints Committee process] make decision and report in writing to the complainant: three months.

## APPENDIX A



### NOTICE OF COMPLAINTS PROCEDURE

Clients or former clients can complain. For clients or former clients the only requirement is that the aggrieved individual must give their name, provide particulars of the complaint, and sign a Consent. For others, the complaint must be in writing.

Complaints can be made personally by the client. For others, they can be made in writing to any staff person or any member of the Board of Directors. It is understood that the Board member is only receiving the complaint and forwarding it on, they do not respond to the complaint. **STUDENTS SHOULD DIRECT COMPLAINTS TO A STAFF MEMBER IMMEDIATELY.**

The complete complaints procedure is as follows:

1. A caseworker, on receiving a complaint, will immediately report the complaint to his or her supervisor.
2. The supervisor will discuss the complaint with the complainant and with the caseworker in an attempt to resolve the complaint.
3. The supervisor will also ensure that the complainant is informed of the entire complaints procedure.
4. Upon receiving a report of a complaint that has not been resolved, the Clinic Director will discuss the matter with all parties involved and make a further attempt to resolve the matter.
5. The Director will report to the Board of Directors in writing explaining the outcome of any unsuccessful attempts to resolve a complaint.
6. Upon receiving a report of a complaint that has not been resolved the Board shall:
  - a) Appoint a Complaints Committee to investigate and discuss the matter with all parties involved in a further effort to resolve the matter, and/or;
  - b) Inform the complainant of the recourse through the complaints procedure of the Complaints Office of Legal Aid Ontario.
7. A complaint concerning the Executive Director/Academic Director shall be referred to the Chair of the Board.

**\*\*UNDER NO CIRCUMSTANCES WILL ANONYMOUS COMPLAINTS BE GIVEN CONSIDERATION IN THE COMPLAINTS PROCEDURE\*\***

**APPENDIX B**



**COMPLAINT FORM**

(To be filled out by staff in the case of client complaints, or by the complainant otherwise)

Name of Person Complaining: \_\_\_\_\_

Date: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Complaint is from a client?  Yes  No (Note: complaint from a non-client must be in writing.)

Details of the Complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Staff Person taking the Complaint: \_\_\_\_\_

A copy of this form was explained/given/mailed to the complainant?

Yes  No Date: \_\_\_\_\_

A copy of the complaint procedure was explained/given/mailed to the complainant?

Yes  No Date: \_\_\_\_\_

**Next Step:**

- The Supervisor will look at the complaint and then call the person who made the complaint to see if the matter can be resolved. The Supervisor will then advise the Clinic Director.
- The Clinic Director will look at the complaint again if unresolved and then call the person who made the complaint to see if the matter can be resolved.
- If the person who made the complaint is not happy with the result, then the complaint will be investigated by a Complaints Committee of the Board of Directors.
- The person who made the complaint will have a chance to meet with the Complaints Committee in person to discuss the complaint.
- The Board will provide the person who made the complaint with a written decision and reasons for that decision.
- If the person who made the complaint is not satisfied with the result, that person can ask that the clinic send the matter to the Compliant Office of Legal Aid Ontario at Suite 200-40 Dundas Street West Toronto, Ontario, M5G 2C2 1-800-668-8258 Fax: (416) 204-4704. The clinic will not provide confidential information about a clinic client or former client to the Clinic Board or Legal Aid's Clinic Services Office unless the client or former client agrees to the information being provided. This does not apply to information about financial eligibility. This does not apply to non-clients.

## APPENDIX "C"



### CONSENT FORM FOR A CLIENT COMPLAINT

I UNDERSTAND that Legal Assistance of Windsor has a duty of confidentiality and will not share any information (except financial information regarding eligibility) that I provided while receiving legal services from the clinic with anyone without my consent.

I UNDERSTAND that the complaint I have made will be reviewed by members of the Clinic's Board of Directors. The Clinic Board is unable to review my complaint fully, however, unless I agree to allow the clinic to share confidential information about my matter with the Board.

If the signed "Consent Form for a Client Complaint" is not returned by the complainant, the Complaints Committee shall consider the complaint abandoned.

I HAVE READ THE ABOVE, UNDERSTAND IT AND HAVE NO QUESTIONS TO ASK.

I AGREE to allow the Clinic to share confidential information about my matter with the Clinic Board so that the Board can review my complaint.

\_\_\_\_\_

Date

\_\_\_\_\_

Client Name

**NOTE:** *information provided to the Board may be used by the clinic to pursue or defend any action that it feels is appropriate to follow up fully on the complaint.*



## APPENDIX "D"



### COMPLAINT CONFIRMATION LETTER

TO WHOM IT MAY CONCERN:

I am writing to acknowledge your complaint, dated \_\_\_\_\_. I understand that the supervisor of the person complained of was unable to resolve the complaint to your satisfaction. I will be investigating the complaint in a further attempt to resolve this. If this is unsuccessful, the matter will be referred to our Board of Directors. I am enclosing a copy of the clinic's Complaints Policy for your reference.

I want to advise you of the following rights during this process:

- the right to privacy/confidentiality within the Clinic, however in order for the Board's Complaints Committee to investigate the complaint, it is necessary for you to consent to confidential information being released to the board;
- the right to meet with the Board's Complaints Committee if dissatisfied with the resolution at the staff level;
- the right to receive a copy of all reports relating to the complaint prepared on behalf of the Clinic for the Board;
- the right to know the date, time and place of the Complaints Committee meeting dealing with the complaint;
- the right to attend and be heard at the meeting dealing with the complaint;
- the right to have a witness or present other evidence;
- the right to receive all decisions in writing; and
- the right to request that the complaint be forwarded to the Legal Aid Ontario Complainants Office for their review of the matter.

Legal Assistance of Windsor

Per:

Clinic Director

Encl. Complaints Policy

## COMPLAINT FLOW CHART

